

REMARKS

Reconsideration of the present application is requested on the basis of the following particulars.

1. Interview of March 30, 2004

Applicants appreciate the courtesy of the Examiner in granting an interview with applicants' representative on February 30, 2004. In accordance with the discussion at the interview, applicants have amended the claims and present commentary discussing the distinguishing characteristics of the present application in view of the cited prior art.

At the interview, the Examiner explained the basis for his rejection of the claims in view of U.S. Patent 2,478,651 (Blachere). Upon further consideration and as will be discussed more fully below, applicants have amended claim 1 to highlight differences of the claimed impeller of the present application from the vanes of the Blachere disclosure. While the Examiner indicated at the interview that the Blachere disclosure teaches all aspects of the inventive impeller of claim 1 of the present invention, Applicants' representative disagreed with the Examiner's broad interpretation of the Blachere disclosure. Moreover, as recommended by the Examiner, applicants present new claim 7 that recites a rotary food slicing machine having the inventive impeller of claim 1.

2. In the Claims

As indicated in the response to the last Office Action, it appears that structural limitations recited in the preamble of claim 1 have been given little or no consideration. In view of this observation, applicants have amended claim 1 so as to recite that each of the paddles has radially outer generally axially extending edges that are located substantially adjacent the circumferences of the rear base plate and the at least one

ring. This particular language was originally present in the preamble of claim 1 and now is positively recited as a feature of the impeller following the "wherein" clause and other recited features of the paddles. It is submitted that this does not introduce a new limitation to the claims since its original recitation in the claims was intended to define structural aspects of the inventive impeller. Instead, the placement of this limitation has been modified so as to improve the logical flow and to highlight this feature of the inventive impeller.

In concert with the aforementioned amendment, claim 1 has been amended to recite that each of the paddles has radially inner axially extending edges oriented to extend progressively towards the circumferences of the rear base plate and the at least one ring from the trailing end to the leading end thereof. Support for this amendment is clearly provided in FIG. 8 and on page 11 of the present application. This amendment further distinguishes how the paddles are oriented relative to the radius of the rear base plate and the at least one ring.

Claim 7 essentially recites portions of the slicing machine embodiment shown in FIG. 1 of the present application essentially having the inventive impeller of claim 1. A description of this embodiment of the slicing machine is found in the specification on page 10.

Acceptance of the amendment to claim 1 and new claim 7 is respectfully requested in the next Office Action.

3. Rejection of claims 1, 5 and 6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 2,478,651 (Blachere)

Claims 1, 5 and 6 presently stand rejected as being anticipated by the disclosure of Blachere. Applicants respectfully traverse this rejection on the basis that the disclosure of Blachere fails to disclose or suggest each and every feature of the impeller of the present application, as recited in claim 1. Claims 5 and 6, which depend directly

from claim 1, are patentable based on their dependency from claim 1 and their individually recited features.

Applicants maintain their contention that the disclosure of Blachere differs from the impeller of the present application, as detailed in the response to the last Office Action. As previously discussed, the disclosure of Blachere is related to a grape destemming and pressing machine. This machine is arranged to receive grapes in bunches and subject such grapes to two successive crushing or pressing treatments. Intermediate the crushing treatments, the stems and stalks are separated from the crushed grape mixture and expelled from the machine. It is in this intermediate stage that the vanes of Blachere identified in the Office Action are used.

In observing FIGS. 1 and 2, Blachere illustrates the vanes as extending at an angle relative to the axis of cylinder 5. While the vanes extend at an angle relative to the axis of the cylinder, such vanes are not shown in the drawings nor are they discussed in the specification as extending at an angle relative to the radius of the cylinder in the fashion specifically recited in amended claim 1. More specifically, claim 1 of the present application recites that:

each of the paddles has radially outer generally axially extending edges that are located substantially adjacent the circumferences of the rear base plate and the at least one ring; and

each of the paddles has radially inner axially extending edges oriented to extend progressively towards the circumferences of the rear base plate and the at least one ring from the trailing end to the leading end thereof.

It is respectfully submitted that the Blachere disclosure fails to show each and every feature of the paddles and their specific orientation recited in claim 1 of the present application. Thus, it is clear that the impeller of claim 1 of the present application is not anticipated by the Blachere disclosure.

The Blachere disclosure not only fails to describe each and every feature of the paddles of the inventive impeller of the present application, but also fails to teach or suggest modifying the vanes described therein to be oriented in the fashion recited in claim 1.

As made abundantly clear in amended claim 1 of the present application, the paddles of the inventive impeller are arranged to carry elongated food products during rotation of the impeller by generally axially aligning the food products along the paddles and to urge one end of each food product against a rear base plate of the impeller. The orientation of the paddles is critical to the achieve the desired effect of the inventive paddles.

As detailed in the specification (page 8, lines 1-12), the orientation of the paddles with respect to the base plate and ring of the inventive impeller of the claim1 improves the alignment of food products in conjunction with the centrifugal forces generated on the food products during rotation of the impeller so that the food products are more securely positioned and held when they come into contact with the slicing blade so they do not dislodge easily. Additionally, the orientation of the paddles urges the centrifugal forces to index the food products toward the base during rotation so as to align the food products with the slicing blade, thus providing an indexing action on the food products with respect to the slicing blade and the circular blades of the slicing machine. Furthermore, the orientation of the paddles protects the food products from colliding with other food products entering the impeller so as to prevent disorientation of food products already carried by the impeller.

The vanes of the Blachere disclosure are described as being arranged to rake and stir up the mixture of crushed grapes and broken stalks and stems and to create an air draft which draws the stalks and stems out of the machine (col. 3, lines 22-29). There is no disclosure or suggestion in the Blachere of the vanes being capable of conveying elongated food products by axially aligning such food products against a base plate as in the present invention. Instead, it is clear that the vanes of the Blachere disclosure are provided to expel certain parts of the grapes out of the machine while

maintaining other parts of the crushed grapes within the machine. Thus, while the vanes are provided to separate the portions of the grape mixture, this can hardly be construed as aligning elongated food products against a rear base plate, as performed by the impeller of the present application.

Thus, when properly interpreted, the disclosure of Blachere requires vanes that are provided to separate certain portions of food products. The Blachere patent does not discuss or show an impeller construction that is provided to convey and align food products, but instead describes a general purpose food product crushing and separating machine. Although the Blachere patent does describe vanes extending generally at a constant and identical angle relative to the axis of a cylinder, it does not illustrate the vanes as extending at an angle relative to the radius of the cylinder. Thus, even an artisan of ordinary skill must guess about how exactly the configuration of the vanes of Blachere would substitute for the configuration of the paddles of present application and whether such vanes would even be capable of conveying and aligning food products. In fact, the disclosure of Blachere makes no suggestion of any kind about the structural suitability of the vanes for conveying and aligning elongated food products against a rear base plate.

Accordingly, the disclosure of Blachere fails to anticipate the impeller recited in claim 1 of the present application on the basis that it fails to teach every limitation of the claim, either expressly or inherently, and that it does not sufficiently describe the impeller of the present application to place a person of ordinary skill in the field of the invention in possession of it.

In view of the description of Blachere, applicants further submit that there is no motivation or suggestion contained therein that would tend to lead a person of ordinary skill in the field of the invention to modify other impellers disclosed in the previously cited prior art references to make an impeller having paddles that span a base plate and an annular ring, and are arranged at an angle relative to the axis and radius of a base plate and annular ring so as to align and convey elongated food products to at least one cutting knife located near the periphery of the impeller when configured in a rotary food slicing machine. Accordingly, applicants submit that it would not be obvious to modify

existing impellers in view of the disclosure of Blachere to include a plurality of food conveying paddles that are rectilinear in shape and extend at an identical and constant angle relative to the axis of rotation of the impeller.

Accordingly, claims 1, 5 and 6 recite subject matter that is not disclosed or suggested in the disclosure of Blachere, and further such subject matter would not be obvious in view of the disclosure of Blachere and other previously cited art prior references, whether considered collectively or individually. Withdrawal of the rejection is therefore respectfully requested.

4. New Claim 7

As discussed above, new claim 7 recites a food slicing machine having the inventive impeller of claim 1. It will be submitted that none of the prior art of record discloses or suggests each and every aspect of the food slicing machine of claim 7. Accordingly, it is requested that claim 7 be allowed.

5. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1, 5, 6 and 7 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,



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